

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

April 27, 2009

- C055356 THE PEOPLE v. (Not For Publication)**
JOSEPH RANDALL DONALSON
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C058567 THE PEOPLE v. (Not For Publication)**
JOSEPH ROBERT SHARPE
The trial court's order of victim restitution to the El Medio Fire Protection District is stricken. The clerk of the trial court is ordered to prepare an amended abstract of judgment deleting victim restitution to the El Medio Fire Protection District and to send the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C058681 THE PEOPLE v. (Not For Publication)**
STEVEN MICHAEL HIBBS
The trial court is directed to prepare a corrected abstract of judgment reflecting the total sentence of seven years and to forward a certified copy to the Department of Corrections and Rehabilitation. As corrected, the judgment is affirmed.
BUTZ, J.
I concur: Hull, J.
I concur in the result:
Scotland, P.J.
- C059682 THE PEOPLE v. (Not For Publication)**
GARY WAYNE MITTS
The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment in conformity with this opinion. In all other respects, the judgment is affirmed.
BUTZ, J.
We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.
- C060381 THE PEOPLE v. ROBERT HENRY (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.

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Court Minutes

April 27, 2009, Continued

C060208 **In re RAYMOND S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES v. LISA O.** **(Not For Publication)**

The order of the juvenile court is affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.
 Cantil-Sakauye, J.

C055282 **THE PEOPLE v. FREDDY SIORDIA**
BY THE COURT:

Appellant's petition for rehearing is denied.

RAYE, Acting P.J.

April 28, 2009

C056841 **THE PEOPLE v. WILLIAM JAMES JOHNSON** **(Not For Publication)**

The true finding on the section 667.6, subdivision (a) allegation is reversed, the consecutive five-year term imposed thereon is stricken, and the judgment is modified to impose a consecutive one-year term for the section 667.5, subdivision (b) enhancement found to be true. As modified, the judgment is affirmed. The trial court is directed to (1) amend the abstract of judgment accordingly, (2) further amend the abstract to reflect that the term of life without the possibility of parole for the murder with special circumstances is to run concurrently with the term then being served by defendant, and (3) send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P. J.

We Concur: Hull, J.
 Butz, J.

C057616 **THE PEOPLE v. ARLANDO ALGERE** **(Not For Publication)**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.
 Nicholson, J.

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Court Minutes

April 28, 2009, Continued

- C058360 THE PEOPLE v. (Not For Publication)**
JOSE GONZALEZ ORTIZ
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Raye, J.
Butz, J.
- C058453 THE PEOPLE v. (Not For Publication)**
DIANA LYNN SMITH
The judgment is affirmed.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Hull, J.
- C058720 THE PEOPLE v. (Not For Publication)**
TIMOTHY ROY THATCHER
The conviction for failing to register as a sex offender is reversed for lack of evidence. The judgment is otherwise affirmed. The cause is remanded to the trial court for further proceedings consistent with this opinion.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Sims, J.
- C059491 THE PEOPLE v. (Not For Publication)**
ROLANDO ARISMELENDEZ
The order of dismissal is reversed. The cause is remanded to the trial court for further proceedings consistent with this opinion.
BUTZ, J.
We Concur: Blease, Acting P.J.
Sims, J.
- C058684 Estate of MYRTLE MARY RICH, (Not For Publication)**
Deceased. DUCKWORTH v.
THRUSH
The order is affirmed. Duckworth is awarded his costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) .)
NICHOLSON, Acting P.J.
We Concur: Hull, J.
Butz, J.

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Court Minutes

April 29, 2009

MISC. ORDER 2009-006

BY THE COURT:

Associate Justice Tani G. Cantil-Sakauye is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on May 5 through May 22, 2009, and on May 28 through May 29, 2009, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C056252

**THE PEOPLE v.
LUIS PONCE, JR.**

(Not For Publication)

The judgment is modified to award defendant 530 days of custody credit and 79 days of conduct credit. As modified, the judgment is affirmed. The trial court shall prepare a corrected abstract of judgment and forward a certified copy to the Department of Corrections and Rehabilitation.

BLEASE, J.

We Concur: Scotland, P.J.
Nicholson, J.

C056491

**THE PEOPLE v.
CHICO ROMERO WATTS**

(Certified For Partial Publication)

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment that conforms to our directions in footnote 2 of this opinion, and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

DAVIS, J.*

We Concur: Scotland, P.J.
Cantil-Sakauye, J.

C057240

**THE PEOPLE v.
DONALD JASON DIFFIN**

(Not For Publication)

The judgment is affirmed.

DAVIS, J.*

We Concur: Sims, Acting P.J.
Hull, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Court Minutes

April 29, 2009, Continued

- C057673 THE PEOPLE v. (Not For Publication)**
STEVEN WAYNE RAUB
The judgment is affirmed.
DAVIS, J.*
We Concur: Blease, Acting P.J.
Robie, J.
- C057684 THE PEOPLE v. KATHY FRAZIER (Certified For Partial Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Robie, J.
- C058105 THE PEOPLE v. (Certified For Partial Publication)**
ROBERT CHESTER HENNING
The judgment is affirmed.
We order correction of the abstract of judgment to reflect the total prison sentence imposed and not stayed is 10 years and eight months. We direct the trial court to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.
- C058220 THE PEOPLE v. (Not For Publication)**
CHRISTOPHER S. BRYSON
Defendant's convictions on counts 2 and 9 are reversed and the trial court is directed to dismiss those counts. In all other respects, the judgment is affirmed. ...
HULL, J.
We Concur: Raye, Acting P.J.
Butz, J.
- C058725 THE PEOPLE v. MARCUS ROBINSON (Not For Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Nicholson, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Court Minutes

April 29, 2009, Continued

- C059131 THE PEOPLE v. (Not For Publication)**
JULIUS VICTOR BUTLER
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C058201 GUTIERREZ v. MONO COUNTY (Not For Publication)**
SHERIFF'S DEPARTMENT et al.
The judgment entered in favor of defendants Ray Robles and Joe Burbine is reversed. The court shall enter an order sustaining with leave to amend the demurrer of these defendants to plaintiff's amended complaint. In all other respects, the judgment is affirmed.
BUTZ, J.
We Concur: Raye, Acting P.J.
Hull, J.
- C060293 PACHECO v. THE SUPERIOR COURT (Not For Publication)**
OF SACRAMENTO COUNTY; DEPARTMENT
OF WATER RESOURCES
The alternative writ, having fulfilled its purpose, is hereby dissolved, and the stay issued by this court on November 26, 2008, is hereby vacated. Plaintiff's petition for writ of mandate is denied.
HULL, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C058043 In re ASHLIE M.; THE PEOPLE v. (Certified For Partial Publication)**
C058513 ASHLIE M.
Probation condition "m" is modified to read that appellant "Not associate with persons whom you know, or whom the Probation Officer informs you, are users or sellers of illegal drugs, including marijuana, or be in places where you know such substances are present."
The orders are otherwise affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Raye, J.

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Court Minutes

April 29, 2009, Continued

C058782 In re D.F. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. DERRICK F. et al.

The juvenile court's orders are affirmed.

RAYE, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

C059748 In re J. C.-S.; THE PEOPLE v. (Not For Publication)
J. C.-S.

The matter is remanded to the Lassen County Superior Court with directions for the court to provide the minor 30 days within which to withdraw his plea. If he fails to do so, the disposition shall remain in effect.

BLEASE, Acting P.J.

We Concur: Sims, J.

Nicholson, J.

C060422 In re R.R. et al.; PLUMAS COUNTY (Not For Publication)
DEPARTMENT OF SOCIAL SERVICES
AND PUBLIC GUARDIAN v. G.R.

The orders of the juvenile court are affirmed.

HULL, J.

We Concur: Raye, Acting P.J.

Robie, J.

April 30, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

C060052 McGUIRE v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND
REHABILITATION, BOARD OF PAROLE HEARINGS

Cause called. John Wilder Lee, court appointed counsel, argued for appellant. Krista Leigh Pollard, Deputy Attorney General, for respondent. Cause submitted.

At 10:31 a.m., the court recessed until Monday, May 4, 2009.

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Court Minutes

April 30, 2009, Continued

- C056055 THE PEOPLE v. (Not For Publication)**
RODNEY RICHARD CARTHEN
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Butz, J.
- C057383 THE PEOPLE v. (Not For Publication)**
SEAN ERIC HENDER
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C057979 THE PEOPLE v. (Not For Publication)**
LAI KUANG SAECHAO
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C058424 SEAVER-SILVA v. SILVA (Not For Publication)**
The judgment (order directing sale of the marital home) is affirmed. Silva shall bear his own costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (5) .)
BUTZ, J.
We Concur: Scotland, P.J.
Raye, J.
- C058834 In re T.C.; THE PEOPLE v. T.C. (Certified For Publication)**
The March 19, 2008, order of restitution is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Raye, J.
- C059461 In re N.N.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. NICHOLAS N.
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Robie, J.

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Court Minutes

April 30, 2009, Continued

C056440 VAN ALSTYNE v. CARTER et al.

BY THE COURT:

Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

**C058201 GUTIERREZ v. MONO COUNTY
SHERIFF'S DEPARTMENT et al.**

(Not For Publication)

THE COURT:

It is ordered that the opinion filed herein on April 29, 2009, be modified as follows:

On page 12, after the last sentence of the "DISPOSITION", which reads, "In all other respects, the judgment is affirmed." add the following:

Each party shall bear its own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (3), (5) .)

There is no change in the judgment.

BY THE COURT:

RAYE, Acting P.J.
Hull, J.
Butz, J.

May 1, 2009

**C057553 THE PEOPLE v.
WINDY GLENN COLLINS**

(Not For Publication)

The judgment is affirmed.
SCOTLAND, P.J.

We Concur: Sims, J.
 Nicholson, J.

**C059530 THE PEOPLE v.
JAMES RICHARD MURPHY**

(Not For Publication)

The judgment is affirmed.
CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.
 Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

May 1, 2009, continued

**C060404 In re S.R. et al.; SACRAMENTO COUNTY (Certified For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. M.M. et al.**

The orders granting the petition for modification and terminating parental rights are reversed.

NICHOLSON, Acting P.J.

We Concur: Hull, J.

Robie, J.

**C056542 MOREHEAD et al. v. SCRIBNER
BY THE COURT:**

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.